IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 522 OF 2006

Maruti Balwant Salunkhe. ...Applicant
V/s.
The State of Maharashtra. ...Respondent

Shri S.J. Patil for Applicant.
Ms.M.M. Deshmukh, APP for the State.

CORAM : V.M. KANADE, J.

DATED : MARCH 7, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. This is an application for bail filed by original accused no.1 who was arrested in connection with an offence which was registered at the Sangli Rural Police Station, Dist. Sangli, for the offence punishable under Sections 302, 307, 324 read with Section 34 of the IPC.

2. The applicant and the deceased had lands adjoining each other. The deceased Piraji was the history sheeter and there were several cases under Sections 302, 307 filed against him. According to the

applicant, deceased Piraji had burnt their sugarcane crops in the previous year and in the past, had spread insectitides on the sugarcane crops of the applicant. That dispute, however, was amicably settled by the villagers. On the day of the incident, it is the case of the applicant that the deceased alongwith his two sons came near their house and assaulted his two sons with gupti, as a result of which, both of them suffered injuries. When one of them tried to prevent, the deceased assaulted the son of the applicant. The son of the deceased attacked them with swords. It is alleged that thereafter, the applicant who was sitting in the house attacked the deceased with a sword. A complaint was lodged by the son of the deceased. A counter complaint was also lodged by the son of the applicant. The deceased succumbed to the injuries and died. The applicant and his sons also received injuries and they were given treatment in the hospital and they were discharged. They received incised wounds in the said incident.

3. Considering the nature of the complaint filed by

the complainant and a counter complaint filed by the son of the applicant, it appears that the deceased was an aggressor as the incident had taken place near the house of the applicant. After considering the past antecedents of the deceased, prima facie, it appears that the applicant has acted in self defence after the initial attack by the deceased and his son. Taking into consideration, these facts and the past enmity between two groups, in my view, this is a fit case for grant of bail. The trial Court has not taken into consideration the complaint filed by the son of the applicant and the past antecedents of the deceased. The present applicant, on the other hand, is an agriculturist, he has a fixed place of residence and he is not likely to abscond. The applicant, therefore, under these circumstances, is entitled to be released on bail.

4. The applicant, therefore, be released on bail in the sum of Rs.5000/- with one or two sureties in the like amount. He shall report to the Sangli Rural Police Station once in a month.

. The application is disposed of.

(V.M. Kanade, J.)